

## **POLICY NOTE**

### **THE RESERVOIRS (SCOTLAND) REGULATIONS 2015**

#### **S.S.I. 2015 No. 90**

1. The above instrument was made in exercise of powers conferred by sections 1(6)(b), 2(3), 9(3)(a), 10(2), 14(1), (3) and (4), 28(7) and (8), 30(2) and 114(2)(b) of the Reservoirs (Scotland) Act 2011. It is subject to the negative procedure.

#### **Policy objectives**

2. These Regulations make further provision under that Act (“the Act”) in relation to reservoir capacity, registration and appointment to panels of engineers.

3. Part 2 sets out how the capacity of a reservoir is to be calculated, and connected matters. This closely mirrors the method for calculating the capacity of a reservoir under the current regime under Reservoirs Act 1975. This Part also clarifies what constitutes certain structures and areas that are not controlled reservoirs.

4. Part 3 lists the information to be registered by a reservoir manager. It also specifies some supplementary information to be included in the public register, and makes connected provision (including in relation to the charging of fees).

5. Part 4 makes further provision as to applications for appointment to panels of reservoir engineers, review of decisions and connected provision (including fees).

#### **Consultation**

6. A public consultation was undertaken in relation to how the provisions in Chapters 1, 2 and 4 of Part 1 of the Act were proposed to be implemented (including the phased registration of reservoirs). SEPA, the Institution of Civil Engineers, Scottish Water and other industry representatives were also separately consulted. No adverse comments were received from those who responded to the consultation.

#### **Financial effects**

7. A business regulatory impact assessment was prepared. The findings indicate that any additional impact upon business, charities or voluntary bodies is not likely to be significant. The impact is expected to be broadly the same as the corresponding requirements of the 1975 Act regime (which the new regime will in due course replace), except they will also apply to some reservoirs not previously regulated.